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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,525	03/25/2004	Haruhiko Nonogaki	26B-030	5525
23400	7590	12/08/2005	EXAMINER	
POSZ LAW GROUP, PLC 12040 SOUTH LAKES DRIVE SUITE 101 RESTON, VA 20191			KAMEN, NOAH P	
			ART UNIT	PAPER NUMBER
			3747	

DATE MAILED: 12/08/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 14-16 are rejected under 35 U.S.C. 102(b) as being anticipated by Figure 14 (admitted prior art).

Figure 14 shows a cover body 108, an engine side member 103, a cover side engagement section 106, a mounting seat 109, and an engine side engagement section 105. Element 106 is seen to be elastic and therefore will undergo elastic deformation during a collision as required in claim 15. In regard to claim 16, everything is “fragile” according to a particular standard; element 109 will be destroyed if the collision is great enough. The collision load set forth in claim 14 has no objective standard; hence any load may read on it.

In response to the arguments presented on 11/29/05, the newly added limitations still fail to overcome the prior art. The phrase “less than a rigidity of portions” still fails to set forth an objective standard because neither what the other portions are and what their rigidity is, are not explicitly set forth. There will be some portion of the vehicle/engine/cover that is stronger than the fragile portion. The predetermined value is whatever that value is that causes destruction and all structures can be destroyed according to some value.

Allowable Subject Matter

Claims 1-13 are allowed.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah Kamen whose telephone number is 571 272 4845. The examiner can normally be reached on M-Th 6:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 571 272 4856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Noah Kamen